

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

FILED
OCT 12 2022
INSURANCE COMMISSIONER
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,**

Petitioner,

v.

**ERIC R. MONTROYA, a non-resident insurance
adjuster in the State of Oklahoma,**

Respondent.

Case No. 22-0504-DIS

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Andrea M. Golden, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, *36 O.S. §§ 101-7401*, and the Oklahoma Insurance Adjusters Licensing act, *36 O. S. §§ 6201-6223*.
2. Respondent, Eric R. Montoya, ("Respondent"), is a non-resident insurance adjuster in the State of Oklahoma holding license number 40125678. Respondent's address of record is 1121 Baxter Drive Plano Texas, 75025-2912. Respondent's resident business entity producer license expired on October 31, 2016.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *36 O.S. §6220*.
4. Pursuant to *36 O.S. §6220(B)*, in addition to any potential denial, censure, suspension, or revocation, any person violating any provision of the Oklahoma Insurance Adjusters Licensing Act may be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each

violation.

5. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *36 O.S. §319*, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

ALLEGATIONS OF FACT

6. On or about June 8, 2022, Oklahoma Insurance Department's Consumer Assistance Division ("OID") received a complaint regarding a claim issue.

7. Documents provided in the complaint designate Respondent as the adjuster. Respondent's non-resident adjuster license expired on October 31, 2016.

8. Upon further OID investigation, it was discovered that Respondent adjusted losses or negotiated claim settlements of ninety-six (96) Oklahoma-based insurance claims while unlicensed from the period of October 31, 2016, through August 13, 2022.

9. Pursuant to *36 O.S. §6220(A)(9)*, it is a violation of the Adjuster Licensing Act for an adjuster to adjust losses or negotiate claim settlements arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner and authority from the licensed insurer or the insured party.

ALLEGED CONCLUSIONS OF LAW

10. Respondent violated *36 O.S. §6220(A)(9)* by adjusting losses or negotiating claim settlements of ninety-six (96) claims without proper licensing from the Oklahoma Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED** and **FINED Seven Hundred Twenty Dollars (\$720.00)**. The fine is to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The fine shall be sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma

City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent request a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Andrea M. Golden, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, *36 O.S. §§ 101 et seq.*, and the *Oklahoma Administrative Procedures Act*, *75 O.S. §§ 250 through 324*. If Respondents serve a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a notice of the matters to be reviewed at the hearing and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 17th day of October 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Andrea M. Golden, OBA# 33390
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 521-2746
Fax (405) 522-0125

CERTIFICATE OF MAILING


I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 12th day of October 2022, to:

Eric R. Montoya
1121 Baxter Dr.
Plano TX, 75025-2912

CERTIFIED MAIL NO:
9214 8902 0982 7500 0497 00

and a copy was delivered to:

Licensing Division
Consumer Assistance Division



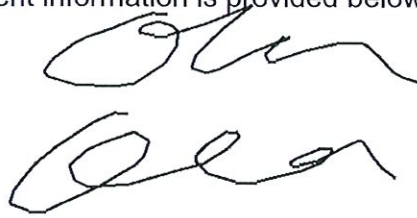
Andrea M. Golden
Assistant General Counsel

Date Produced: 10/17/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0497 00. Our records indicate that this item was delivered on 10/15/2022 at 11:50 a.m. in PLANO, TX 75025. The scanned image of the recipient information is provided below.

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1121 Bakker
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Sincerely,
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